UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,942	04/16/2004	William C. To	7784-000728	1620

65961   7590   02/02/2009
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EXAMINER
JAKOVAC, RYAN J

ART UNIT	PAPER NUMBER
2445	

MAIL DATE	DELIVERY MODE
02/02/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/826,942	TO, WILLIAM C.
	Examiner	**Art Unit**	
	RYAN J. JAKOVAC	2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 December 2008*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-22* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible

for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been

timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR

1.114. Applicant's submission filed 12/01/2008 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claim 1-22 have been considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this

title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a

whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 3-5, 9, 11, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US 6,401,013 to McElreath in view of US 6,122,575 to Schmidt et al, and further in view of US

2003/0014426 to Gimbert et al (hereinafter Gimbert).

Regarding claim1, 9, 11, 14, McElreath teaches an apparatus for performing

configuration management relative to an aircraft, the apparatus comprising:

a portable computer having a processor and memory configured to communicate with a

plurality of components of the aircraft and to receive data transmitted from one or more modules

of the aircraft components (McElreath, abstract, a laptop is coupled to avionics equipment on-

board the aircraft. See also fig. 1, laptop is connected to a plurality of aircraft components. See

also col. 2:45-65, col. 3 to col. 4:52. See also Schmidt, col. 3:45 to col. 5:65, laptop is connected

to the electronic control unit of an aircraft auxiliary power unit.); and

a web server module executable by the processor to include at least some of the received

data in one or more web page markups providing a plurality of maintenance and/or engineering

functions selectable by a user of the computer and performable via the computer as to one or

more components of the aircraft (Gimbert, [0026-0028], received data is represented as a web

page. Web pages display a plurality of selectable links (i.e. functions).); and

a web browser module executable by the processor to display the one or more web page

markups as one or more web pages on a display of the computer (Gimbert, fig. 4. See also [0026-

0028] and the abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to

combine the teachings of McElreath with the teachings of Gimbert in order to enable aircraft

information to be communicated to a user via a computer including a browser (Gimbert,

abstract). It would have been further obvious to combine the teachings of McElreath and

Gimbert with the teachings of Schmidt in order to be able to download information from an

aircraft component and display the downloaded diagnostic information through an on screen

interface (Schmidt, col. 5:20-50. See also fig. 7.).

Regarding claim 3, The combination of McElreath, Gimbert, and Schmidt teaches the

apparatus of claim 1, the computer further comprising a configuration file resident in the

computer for holding the received data, the server module executable by the processor to process

data from the configuration file for inclusion in the one or more web page markups (Gimbert,

[0026-0028], received data is represented as a web page. See also the abstract, system enabling

aircraft and aircraft engine information to be communicated to a user via a computer including a

browser. See also fig. 4-5.).

Regarding claim 4, 13, the combination of McElreath, Gimbert, and Schmidt teaches the

apparatus of claim 3, further comprising or more constructs included in the web page markups

(Gimbert, [0026-0028], server renders web pages.), the computer further comprising a construct

processing module configured with the server for execution by the processor to use the data from

the configuration file to produce one or more web page markups (Gimbert, fig. 4-5.).

Regarding claim 5, The combination of McElreath, Gimbert, and Schmidt teaches the

apparatus of claim 4, further comprising a script executable by the processor through the server

to activate the construct processing module (Gimbert, [0026-0028], server renders web pages.

See also, Abstract.)

5.   Claims 2, 7, 8, 10, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

the combination of McElreath, Gimbert, and Schmidt, in further view of US 2003/0208579 to

Brady, JR. et al (hereinafter Brady).

        Regarding claim 2, The combination of McElreath, Gimbert, and Schmidt teaches the

apparatus of claim 1, wherein the maintenance and/or engineering functions comprise one or

more of the following: a configuration management function, a software upgrade function, a

health status function, and a troubleshooting function (Brady, abstract, software in line-

replaceable units in an in-flight entertainment system (i.e. aircraft components) are updated in

response to a user request.).

        It would have been obvious to one of ordinary skill in the art at the time of invention to

combine the teachings of Brady with the teachings of McElreath, Schmidt and Gimbert in order

to be able to update the software in aircraft components such as line-replaceable units of an in-

flight entertainment center (Brady, abstract.).

        Regarding claim 8, 10, 15, 16, the combination of McElreath, Gimbert, and Schmidt

teaches the apparatus of claim 1, the computer further operable to perform at least one of

updating software included in at least one of the components of the aircraft, collecting

performance data from at least one of the components of the aircraft, and operating a

troubleshooting tool relative to at least one of the components of the aircraft (Brady, abstract,

software in line-replaceable units in an in-flight entertainment system (i.e. aircraft components)

are updated in response to a user request. See also fig. 7.).

Regarding claim 7, The combination of McElreath, Gimbert, and Schmidt teaches the

apparatus of claim 3, but does not expressly disclose wherein the aircraft is included in a fleet

managed via a network operations center.

However, these differences are only found in the nonfunctional descriptive material and

are not functionally involved in the steps recited. Thus, this descriptive material will not

distinguish the claimed invention from the prior art in terms of patentability. See *In re Gulack*,

703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32

USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to include the nonfunctional descriptive material with the claimed

invention because such data does not functionally relate to the steps in the method claimed and

because the subjective interpretation of the descriptive material does not patentably distinguish

the claimed invention.

Brady discloses a network operations center, the computer further operable to deliver at

least one of the data from the configuration file and the one or more web pages specific to a

given one of the aircraft to the network operations center (Brady, fig. 1, management terminal.).

6.   Claim 17, 19-22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt in

view of Gimbert and further in view of Brady.

Regarding claim 17, 21, 22, the combination of Schmidt and Gimbert teaches a method

of providing configuration management relative to an aircraft, the method performed by a

portable computer having a processor and a memory, the method comprising:

the processor causing the portable computer to access one or more components of an

aircraft and to retrieve data from the one or more components in response to a user request

(Schmidt, col. 5:20-50, in response to user instruction (i.e. request) data is retrieved from the

aircraft component.);

the processor executing the web server module to dynamically format at least some of the

data retrieved from the one or more aircraft components into one or more web page markups for

display as one or more web pages via the browser module (Gimbert, fig. 4. See also [0026-0028]

and the abstract, received data is represented as a web page.);

the processor receiving user input via the browser module indicating a management

function to be performed on at least one of the one or more aircraft components (Gimbert, [0026-

0028], selectable links. [0038], user to navigate through the web page using a plurality of

hyperlinks. [0031], web pages as enabling a user to access specific features associated with the

user and to identify tasks performed within the system.); and

the processor causing software to be downloaded from the portable computer to the at

least one of the one or more components in response to the user input (Brady, abstract, software

in line-replaceable units in an in-flight entertainment system (i.e. aircraft components) are

updated in response to a user request.).

It would have been obvious to one of ordinary skill in the art at the time of invention to

combine the teachings of Schmidt and Gimbert in order to enable aircraft information to be

communicated to a user via a computer including a browser (Gimbert, abstract). It would have

been further obvious to combine the teachings of Brady with the teachings of Schmidt and

Gimbert in order to be able to update the software in aircraft components such as line-

replaceable units of an in-flight entertainment center (Brady, abstract.).

Regarding claim 19, the combination of Schmidt, Gimbert, and Brady discloses the

method of claim 17, further comprising the processor displaying data describing (a) one or more

hardware components of the aircraft and (b) software resident in the one or more hardware

components (Brady, fig. 7.).

Regarding claim 20, the combination of McElreath, Gimbert, and Schmidt teaches the

apparatus of claim 17, further comprising transferring data to the one or more aircraft

components based on user input via one of the one or more web pages (Brady, abstract, software

in line-replaceable units in an in-flight entertainment system (i.e. aircraft components) are

updated in response to a user request. See also Gimbert [0026-0028]).

7.   Claims 6, 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over the

combination of McElreath, Gimbert, and Schmidt, and further in view of Official Notice.

Regarding claims 6, 12, and 18, Official Notice is taken that using standard protocols

such as CGI (to obtain data from a file) or SNMP (to retrieve data over a network) are well

known. Regarding claim 18, obtaining the ping status of a network element is well known in the art.

8.   Claims18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Schmidt, Gimbert, and Brady, and further in view of Official Notice.

Regarding claim 18, Official Notice is taken that obtaining the ping status of a network element and displaying the ping status of network element is well known in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RJ/
/Larry D Donaghue/
Primary Examiner, Art Unit 2454